

## INTERLOCAL AGREEMENT

STATE OF TEXAS           §

COUNTY OF COLLIN       §

This Interlocal Development Agreement (this "Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2008, by and between the City of Frisco, Texas ("City") and Frisco Independent School District ("FISD") (collectively referred to as the "Parties").

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791, Texas Government Code, authorizes units of local government to contract with one or more units of local government to perform governmental functions and services; and

**WHEREAS**, FISD and City mutually desire to be subject to the provisions of the Texas Government Code, Chapter 791, the Interlocal Cooperation Act, regarding governmental functions of mutual interest to both governmental entities; and

**WHEREAS**, City currently owns a 36.134 acres, more or less, of real property in multiple parcels, situated in the City of Frisco, Collin County, Texas, which is more particularly described in the attached **Exhibit "A"** (the "City Property"); and

**WHEREAS**, FISD currently owns a 40.183 acres, more or less, of real property in multiple parcels, situated in the City of Frisco, Collin County, Texas, which is more particularly described in the attached **Exhibit "B"** (the "FISD Property"); and

**WHEREAS**, City and FISD have entered into an agreement to exchange the City Property and the FISD Property, which is more particularly described in the attached **Exhibit "C"** ("Exchange Agreement"); and

**WHEREAS**, to compensate the FISD for the additional 4.049 acres conveyed to the City, the City is willing to agree to pay the FISD for the difference of 4.049 acres, more or less, in cash or property equivalent.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements contained herein, the Parties hereto agree as follows:

### ARTICLE I PURPOSE

1. The purpose of this Agreement is to establish the conditions under which the City will compensate the FISD for 4.049 acres, more or less, of real property exchanged pursuant to the Exchange Agreement.

## **ARTICLE II TERM**

2. The term of this Agreement shall commence upon the execution of this Agreement and shall terminate upon the satisfaction of all conditions set forth herein. This Agreement may be terminated at anytime only upon mutual written agreement by the parties.

## **ARTICLE III DEFINITIONS**

- 3.1 "City" means the City of Frisco, Texas.
- 3.2. "City Property" is defined in the attached Exhibit "A".
- 3.3 "Effective Date" means the last date of execution of this Agreement.
- 3.4 "Exchange Agreement" is in the attached Exhibit "C".
- 3.5 "FISD" means Frisco Independent School District.
- 3.6 "FISD Property" is defined in the attached Exhibit "B".

## **ARTICLE IV CONSIDERATION FOR FISD PROPERTY AND PAYMENT**

4.1 Dedication of FISD Property and City Property. In accordance with the Exchange Agreement, FISD and City will exchange the FISD Property and the City Property. In consideration for the difference of 4.049 acres, more or less, valued at \$65,000.00 an acre, City will pay the additional sum of \$263,185.00 in cash or property equivalent to FISD.

4.2 Payment. The City will pay FISD the sum established in Section 4.1 in the form of cash or property equivalent within twelve (12) months from the date of this Agreement unless the payment term is extended by the mutual agreement of the parties.

## **ARTICLE V MISCELLANEOUS**

5.1 Notice. Any notice required or permitted to be delivered shall be deemed received when deposited in the United States Mail, postage pre-paid, registered or certified mail, or by hand delivery or by facsimile transmission to the respective parties at the address set forth below or such other person and address as may be designated in writing by a party:

To FISD: Frisco Independent School District  
Attn: Assistant Superintendent for Facilities and  
Finance

6942 Maple Street  
Frisco, Texas 75034

To City: City of Frisco  
Attn: City Manager  
6891 Main St.  
Frisco, Texas 75034

5.2 Assignment: This Agreement may not be assigned without the express written consent of the other party, which consent shall not be unreasonably withheld.

5.3 Severability: In the event any section, subsection paragraph, sentence, phrase, or word herein is held invalid, illegal, or unconstitutional, the balance of this Agreement shall stand, shall be enforceable, and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase, or word.

5.4 Recitals: The recitals to this Agreement are incorporated herein.

5.5 Counterparts: This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

5.6 Exhibits: The exhibits to this Agreement are incorporated herein.

5.7 Governing Law: The validity of this Agreement and any of its terms and provisions as well as the rights and duties of the parties shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in Collin County, Texas.

5.8 Entire Agreement: This Agreement represents the entire agreement among the parties with respect to the subject matter covered by this Agreement. There is no other collateral, oral or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

5.9 Default. In the event of a breach of this Agreement by either party, the other party may pursue any remedies available at law or in equity.

5.10 Immunity. Nothing in this Agreement shall be deemed a waiver of the governmental, sovereign, or official immunity afforded by law to either the City or FISD.

5.11 Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

[Signature Page Follows]

EXHIBIT "A"  
CITY PROPERTY

## EXHIBIT "A"

### Field Note Description 6.739 Acres

BEING a tract of land situated in the A. S. Young Survey, Abstract No. 1037, City of Frisco, Collin County, Texas, and being part of that certain 59.455 acre tract of land conveyed to the City of Frisco by deed recorded in Volume 4559, Page 1379, Deed Records of Collin County, Texas, said tract also being part of Lot 2 and Lot 4, Block A, NWC Eldorado & Independence, an addition to the City of Frisco as recorded in Cabinet R, Page 154, Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point in the north line of Eldorado Parkway (a 120' R.O.W.) said point being the southeast corner of the aforementioned Lot 4, Block A;

THENCE S89°22'55"W, with the north line of Eldorado Parkway, a distance of 78.26 feet to a point for corner, said point being the southwest corner of said 59.455 acre City of Frisco tract;

THENCE N00°43'12"W, leaving Eldorado Parkway, and with the west line of said City of Frisco tract, a distance of 1821.26 feet to a point for corner in the northerly line of Lot 2, Block A, NWC Eldorado & Independence;

THENCE S89°16'48"W, with the northerly line of said Lot 2, Block A, a distance of 80.21 feet to a point for corner;

THENCE S00°43'12"E, with the west line of said Lot 2, Block A, a distance of 634.38 feet to a point for corner;

THENCE N89°16'48"E, with the west line of said Lot 2, Block A, a distance of 122.33 feet to a point for corner;

THENCE S00°43'12"E, with the west line of said Lot 2, Block A, a distance of 669.77 feet to a point for corner;

THENCE N89°22'55"E, a distance of 92.11 feet to the beginning of a curve to the left having a central angle of 20°21'26", a radius of 170.00 feet, a tangent length of 30.52 feet, and a chord bearing N79°12'13"E, 60.08 feet;

THENCE in an easterly direction along said curve to the left, an arc distance of 60.40 feet to a point for corner and the end of said curve, said point being the beginning of a reverse curve to the right having a central angle of 40°21'26", a radius of 245.00 feet, a tangent length of 90.04 feet, and a chord bearing N89°12'13"E, 169.02 feet;

THENCE in an easterly direction along said curve to the right, an arc distance of 172.57 feet to a point for corner and the end of said curve;

THENCE S 70°37'05"E, a distance of 58.91 a point for corner and the beginning of a curve to the left having a central angle of 20°00'00", a radius of 155.00 feet, a tangent length of 27.33 feet, and a chord bearing S80°37'05"E, 53.83 feet;

THENCE in an easterly direction along said curve to the left, an arc distance of 54.11 feet to a point for corner and the end of said curve;

THENCE N89°22'55"E, a distance of 232.11 feet to a point for corner in the west line of Independence Parkway (a 120' R.O.W.);

THENCE S00°43'12"E, with the west line of Independence Parkway, a distance of 60.00 feet to a point for corner;

THENCE S89°22'55"W, leaving Independence Parkway, a distance of 232.22 feet to a point for corner and the beginning of a curve to the right having a central angle of 20°00'00", a radius of 215.00 feet, a tangent length of 37.91 feet, and a chord bearing N80°37'05"W, 74.67 feet;

THENCE in a westerly direction along said curve to the right, an arc distance of 75.05 feet to a point for corner and the end of said curve;

THENCE N07°37'05"W, a distance of 58.91 feet to a point for corner and the beginning of a curve to the left having a central angle of 40°21'26", a radius of 185.00 feet, a tangent length of 67.99 feet, and a chord bearing S89°12'13"W, 127.63 feet;

THENCE in a westerly direction along said curve to the left, and arc distance of 130.31 feet to a point for corner and the end of said curve, said point being the beginning of a reverse curve to the right having a central angle of 20°21'26", a radius of 230.00 feet, a tangent length of 41.29 feet, and a chord bearing S79°12'13"W, 81.29 feet;

THENCE in a westerly direction along said curve to the right, an arc distance of 81.72 feet to the end of said curve;

THENCE S89°22'55"W, a distance of 92.00 feet to a point for corner in the west line of the aforementioned Lot 2, Block A;

THENCE S00°43'12"E, with the west line of said Lot 2, Block A, a distance of 151.85 feet to a point for corner in the north line of Lot 3, Block A, NWC Eldorado & Independence;

THENCE S89°02'34"W, with the north line of said Lot 3, Block A, a distance of 124.46 feet to a point for corner, said point being the northwest corner of said Lot 3, Block A;

THENCE S00°45'12"E, with the west line of said Lot 3, Block A, a distance of 304.89 feet to the POINT OF BEGINNING and CONTAINING 6.739 acres of land.

**EXHIBIT "A"**

**Field Note Description  
18.060 Acres**

BEING a tract of land situated in the A. S. Young Survey, Abstract No. 1037, City of Frisco, Collin County, Texas, and being part of that certain 59.455 acre tract of land conveyed to the City of Frisco by deed recorded in Volume 4559, Page 1379, Deed Records of Collin County, Texas, said tract also being part of Lot 1, Block A, NWC Eldorado & Independence, an addition to the City of Frisco as recorded in Cabinet R, Page 154, Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point in the west line of Independence Parkway (a variable width R.O.W.) said point being the southeast corner of the aforementioned Lot 1, Block A;

THENCE S89°16'48"W, leaving Independence Parkway, and with the south line of said Lot 1, Block A, a distance of 629.45 feet to a point for corner;

THENCE N00°43'12"W, with the west line of said Lot 1, Block A, a distance of 285.85 feet to a point for corner;

THENCE S89°16'48"W, with the south line of said Lot 1, Block A, a distance of 190.68 feet to a point for corner;

THENCE N00°43'12"W, with the west line of said Lot 1, Block A, a distance of 279.02 feet to a point for corner;

THENCE S89°16'48"W, with the south line of said Lot 1, Block A, a distance of 43.11 feet to a point for corner in the west line of the aforementioned City of Frisco tract;

THENCE N00°43'12"W, a distance of 444.48 feet to a point for corner in the north line of said City of Frisco tract, said point also being in the north line of Lot 1, Block A;

THENCE N89°38'11"E, with the north line of said City of Frisco tract, and the north line of Lot 1, Block A, a distance of 853.26 feet to a point for corner in the aforementioned west line of Independence Parkway;

THENCE S00°43'12"E, with the west line of Independence Parkway, a distance of 93.27 feet to a point for corner;

THENCE N89°16'48"E, with the west line of Independence Parkway, a distance of 10.00 feet to a point for corner;

THENCE S00°43'12"E, with the west line of Independence Parkway, a distance of 411.67 feet to a point for corner;

THENCE S04°59'27"W, with the west line of Independence Parkway, a distance of 100.50 feet to a point for corner;

THENCE S00°43'12"E, a with the west line of Independence Parkway, distance of 200.00 feet to a point for corner;

THENCE N89°16'48"E, with the west line of Independence Parkway, a distance of 10.00 feet to a point for corner;

THENCE S00°43'12"E, with the west line of Independence Parkway, a distance of 199.09 feet to the POINT OF BEGINNING and CONTAINING 18.060 acres of land.



**EXHIBIT "A"**

**Field Note Description  
1.335 Acres**

BEING a tract of land situated in the W. Bates Survey, Abstract No. 83, City of Frisco, Denton County, Texas, and being part of that certain 73.2800 acre tract of land conveyed to the City of Frisco by deed recorded in County Clerk's File No. 98-0098765, and being more particularly described as follows:

BEGINNING at a point for corner, said point being the southeast corner of said City of Frisco tract, and the northeast corner of a tract of land conveyed to the Frisco I.S.D. by deed recorded in Volume 4260, Page 471, Deed Records of Denton County, Texas;

THENCE S89°31'58"W, with the south line of said City of Frisco tract, a distance of 581.33 feet to a point for corner;

THENCE N00°14'26"W, a distance of 100.00 feet to a point for corner;

THENCE N89°31'58"E, a distance of 581.72 feet to a point for corner in the east line of said City of Frisco tract;

THENCE S00°14'26"E, with the east line of said City of Frisco tract, a distance of 100.00 feet to the POINT OF BEGINNING and CONTAINING 1.335 acres of land.

## EXHIBIT "A"

### Field Note Description 10.000 Acres

BEING a tract of land situated in the M. E. & P. Railway Co. Survey, Abstract No. 645, City of Frisco, Collin County, Texas, and being a tract of land conveyed to the City of Frisco as recorded in County Clerk's File No. 02-0043144, and being more particularly described as follows:

BEGINNING at a capped iron found for corner in the north line of Yoakum Drive (a 60' R.O.W.), said point being the southeast corner of Lot 2, Block CC, Panther Creek Estates, Phase IV, an addition to the City of Frisco as recorded in Cabinet P, Page 747, Plat Records of Collin County, Texas;

THENCE N00°03'51"W, leaving Yoakum Drive, a distance of 783.23 feet to a point for corner;

THENCE N89°56'09"E, a distance of 564.82 feet to a point for corner;

THENCE S00°03'49"E, a distance of 552.68 feet to a point for corner;

THENCE N83°00'40"W, a distance of 2.85 feet to a point for corner in the west line of Honey Grove Road (a 60' R.O.W.) said point being the beginning of a non-tangent curve to the right having a central angle of 07°20'35", a radius of 855.00 feet, a tangent length of 54.86 feet, and a chord bearing S08°16'09"W, 109.50 feet;

THENCE in a southwesterly direction along said curve to the right, and with the west line of Honey Grove Road, an arc distance of 109.58 feet to a point for corner and the end of said curve;

THENCE S11°56'27"W, with the west line of Honey Grove Road, a distance of 144.03 feet to a capped iron found for corner at the northeast end of a corner clip at the intersection of the north line of Yoakum Drive;

THENCE S56°56'27"W, along said corner clip, a distance of 14.14 feet to a capped iron found for corner;

THENCE N87°03'33"W, with the north line of Yoakum Drive, a distance of 76.94 feet to a point for corner and the beginning of a curve to the left having a central angle of 18°39'19", a radius of 1135.00 feet, a tangent length of 186.42 feet, and a chord bearing N87°23'13"W, 367.92 feet;

THENCE in a westerly direction along said curve to the left, and with the north line of Yoakum Drive, an arc distance of 369.55 feet to a point for corner and the end of said curve;

THENCE S83°17'08"W, with the north line of Yoakum Drive, a distance of 61.94 feet to the POINT OF BEGINNING and CONTAINING 10.000 acres of land.

EXHIBIT "B"  
FISD PROPERTY

Field Note Description  
17.056 Acres

BEING a tract of land situated in the John Cox Survey, Abstract No. 160, and the A. S. Young Survey, Abstract No. 1037, City of Frisco, Collin County, Texas, and being part of that certain 60.545 acre tract of land conveyed to the Frisco Independent School District by deed recorded in Volume 4559, Page 1373, Deed Records of Collin County, Texas, said tract also being part of Lot 2, Block A, NWC Eldorado & Independence, an addition to the City of Frisco as recorded in Cabinet R, Page 154, Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at the northwest corner of said FISD tract, said point also being northwest corner of the aforementioned Lot 2, Block A;

THENCE N89°38'11"E, with the north line of said FISD tract, and the north line of said Lot 2, Block A, a distance of 711.93 feet to a point for corner, said point being the northwest corner of Lot 1, Block A, NWC Eldorado & Independence;

THENCE S00°43'12"E, with the west line of said Lot 1, Block A, a distance of 445.77 feet to a point for corner;

THENCE N89°16'48"E, with a south line of said Lot 1, Block A, a distance of 210.43 feet to a point for corner in the east line of the aforementioned FISD tract;

THENCE S00°43'12"E, with the east line of said FISD tract, a distance of 531.63 feet to a point for corner in the north line of Lot 4, Block A, NWC Eldorado & Independence;

THENCE S89°16'48"W, with the north line of Lot 4, Block A, a distance of 133.64 feet to a point for corner;

THENCE N45°43'12"W, with the north line of Lot 4, block A, a distance of 126.00 feet to a point for corner;

THENCE S89°16'48"W, with the north line of Lot 4, Block A, a distance of 699.61 feet to a point for corner in the west line of the aforementioned FISD tract, said point being the northwest corner of said Lot 4, Block A;

THENCE N00°43'12"W, with the west line of said FISD tract, and the west line of Lot 2, Block A, a distance of 892.73 feet to the POINT OF BEGINNING and CONTAINING 17.056 acres of land.

Field Note Description  
5.410 Acres

BEING a tract of land situated in the L. Morrell Survey, Abstract No. 863, City of Frisco, Denton County, Texas, and being part of that certain 41.43 acre tract of land conveyed to the Frisco Independent School District by deed recorded in Volume 4598, Page 2851, Deed Records of Denton County, Texas, said tract also being all of Lot 2R, Block A, Bennett & Alma Griffin Middle School, and addition to the City of Frisco as recorded in Cabinet Y, Page 262, Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a point in the west line of Lenox Lane (a 60' R.O.W.) said point being the southeast corner of the aforementioned Lot 2R, Block A, and the northeast corner of Lot 1, Block A, Pink Elementary School, an addition to the City of Frisco as recorded in Cabinet W, Page 557, Plat Records of Denton County, Texas;

THENCE N89°53'20"W, leaving Lenox Lane, and with the north line of said Lot 1, Block A, a distance of 420.13 feet to a point for corner;

THENCE N00°06'40"E, with the north line of said Lot 1, Block A, a distance of 150.00 feet to a point for corner;

THENCE N89°53'20"W, with the north line of said Lot 1, Block A, a distance of 293.85 feet to a point for corner in the south line of Lot 1R, Block A, Bennett & Alma Griffin Middle School;

THENCE N00°06'40"E, with the south line of said Lot 1R, Block A, a distance of 179.67 feet to a point for corner;

THENCE S89°53'20"E, with the south line of said Lot 1R, Block A, a distance of 281.85 feet to a point for corner;

THENCE N00°06'40"E, with the south line of said Lot 1R, Block A, a distance of 100.85 feet to a point for corner;

THENCE S89°53'20"E, with the south line of said Lot 1R, Block A, a distance of 438.16 feet to a point for corner in the aforementioned west line of Lenox Lane, said point being the beginning of a non-tangent curve to the left having a central angle of 05°45'24", a radius of 530.00 feet, a tangent length of 26.65 feet, and a chord bearing S03°26'08"W, 53.23 feet;

THENCE in a southerly direction along said curve to the left, and with the west line of Lenox Lane, an arc distance of 53.25 feet to a point for corner and the end of said curve;

THENCE S00°33'27"W, with the west line of Lenox Lane, a distance of 377.39 feet to the POINT OF BEGINNING and CONTAINING 5.410 acres of land.

Field Note Description  
2.028 Acres

BEING a tract of land situated in the L. Morrell Survey, Abstract No. 863, City of Frisco, Denton County, Texas, and being part of that certain 41.43 acre tract of land conveyed to the Frisco Independent School District by deed recorded in Volume 4598, Page 2851, Deed Records of Denton County, Texas, said tract also being all of Lot 3, Block A, Bennett & Alma Griffin Middle School, and addition to the City of Frisco as recorded in Cabinet Y, Page 262, Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a point in the south line of Eldorado Parkway (a 110' R.O.W., 60' from centerline) said point being the northeast corner of said Lot 3, Block A;

THENCE S00°06'40"W, leaving Eldorado Parkway, a distance of 382.04 feet to a point for corner;

THENCE N89°53'20"W, a distance of 231.67 feet to a point for corner;

THENCE N00°06'40"E, a distance of 380.49 feet to a point for corner in the aforementioned south line of Eldorado Parkway;

THENCE N89°39'13"E, with the south line of Eldorado Parkway, a distance of 205.95 feet to the beginning of a curve to the right having a central angle of 01°21'27", a radius of 1085.92 feet, a tangent length of 25.73 feet, and a chord bearing S89°40'04"E, 25.73 feet;

THENCE in an easterly direction along said curve to the right, and with the south line of Eldorado Parkway, an arc distance of 25.73 feet to the POINT OF BEGINNING and CONTAINING 2.028 acres of land.

Field Note Description  
6.319 Acres

BEING a tract of land situated in the David Lawhorn Survey, Abstract No. 727, City of Frisco, Denton County, Texas, and being part of that certain 18.6977 acre tract of land conveyed to the Frisco I.S.D. by deed recorded in County Clerk's File No. 2005-62448, and being more particularly described as follows:

BEGINNING at a capped ½" iron set for corner at the northwest corner of said 18.6977 acre tract;

THENCE S89°45'01"E, with the north line of said 18.6977 acre tract, a distance of 335.91 feet to a capped ½" iron rod set for corner;

THENCE S00°04'59"W, a distance of 697.87 feet to a capped ½" iron rod set for corner;

THENCE N89°55'01"W, a distance of 113.65 feet to a capped ½" iron rod set for corner;

THENCE S00°04'59"W, a distance of 183.29 feet to a ½" capped iron set for corner in the south line of said 18.6977 acre tract;

THENCE N89°45'04"W, with the south line of said 18.6977 acre tract, a distance of 222.26 feet to a capped ½" iron rod set for corner, said point being the southwest corner of said 18.6977 acre tract;

THENCE N00°04'59"E, with the west line of said 18.6977 acre tract, a distance of 881.50 feet to the POINT OF BEGINNING and CONTAINING 6.319 acres of land.

Field Note Description  
9.370 Acres

BEING a tract of land situated in the MMP& P RR Survey, Abstract No. 921, City of Frisco, Denton County, Texas, and being part of that certain 19.3708 acre tract of land conveyed to the Frisco I.S.D. by deed recorded in County Clerk's File No. 2006-34212, and being more particularly described as follows:

BEGINNING at an "x" cut set for corner, said point being the northeast corner of the aforementioned 19.3708 acre tract;

THENCE S00°14'03"E, a distance of 266.96 feet to an "x" cut set for corner and the beginning of a curve to the right having a central angle of 26°49'24", a radius of 450.00 feet, a tangent length of 107.30 feet, and a chord bearing S13°10'36"W, 208.75 feet;

THENCE in a southwesterly direction along said curve to the right, an arc distance of 210.67 feet to a point for corner and the end of said curve;

THENCE S89°44'34"W, a distance of 826.73 feet to a point for corner in the east line of Knolls of Frisco, an addition to the City of Frisco as recorded in Cabinet X, Page 953, Plat Records of Denton County, Texas, said point also being in the west line of the aforementioned 19.3708 acre Frisco I.S.D. tract;

THENCE N00°15'28"W, with the west line of said Frisco I.S.D. tract, a distance of 470.00 feet to a point for corner;

THENCE N89°44'34"E, a distance of 875.34 feet to the POINT OF BEGINNING and CONTAINING 9.370 acres of land.



EXHIBIT "C"  
EXCHANGE AGREEMENT